

Notice of Allowability

Application No.

09/491,388

Applicant(s)

CADOUX, ROBERT

Examiner

Elda Milef

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed by the applicant on 6/5/2007.
2. ☒ The allowed claim(s) is/are 27-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 5/15/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

The following communication is in response to Applicant's amendment filed 6/5/2007.

Status of Claims

Claims 1-26 have been cancelled. Claims 27-39 are pending.

Allowable Subject Matter

Claims 27-39 are allowed. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

The following is an examiner's statement of reasons for allowance: the prior art fails to teach or suggest the limitations of the independent claims.

Independent claim 27 discloses a method for offering shares of stock of a privately-held company comprising:

disclosing, prior to an initial public offering by the privately-held company, the number of shares to be offered in the initial public offering by the privately-held company, that the initial public offering will occur in two or more successive offering stages, the number of shares to be offered in each offering stage, the amount of time between successive offering

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stages, and pricing information for the shares to be offered in each offering stage;

offering a first portion of the shares of the stock of the offering in a first offering stage to investors; and offering the remainder of the shares of the offering to investors in separate portions over the subsequent one or more offering stages, wherein at least some communications regarding the offering of the shares over the offering stages are made via a computer network.

The primary difference between the claimed invention and the prior art are disclosing, prior to an initial public offering by a privately-held company, the number of shares to be offered in the initial public offering, that the initial public offering will occur in two or more successive offering stages, the number of shares to be offered in each offering stage, the amount of time between successive offering stages, and pricing for the shares to be offered in each offering stage.

The prior art discloses a seasoning strategy which involves an earlier IPO followed by a later IPO wherein the company can structure a small IPO at conservative valuation and allow the stock to be come better known in the investment community. (Macklin p. 103; Macklin, Gordon S. "Going Public and

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the NASDAQ Market", The NASDAQ Handbook-1992 edition). The prior art does not teach disclosing, prior to an initial public offering the number of shares to be offered in the initial public offering by the privately held company, that the initial public offering will occur in two or more successive offering stages, the number of shares to be offered in each offering stage, the amount of time between successive offering stages, and pricing information for the shares to be offered in each offering stage.

The prior art teaches a secondary stock offering however, the secondary offering is not an initial public offering. (Applicant's admitted prior art-Specification pp.3-4).

The prior art discloses a share exchange between shareholders for two different companies described to occur in two stages (Lyric Energy, Inc., Form 8K, Securities and Exchange Commission, April 10, 1997, (www.secinfo.com/duHsb.829.htm)). The prior art however, does not disclose an initial public offering of the shares.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday -Thursday 8:30 am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

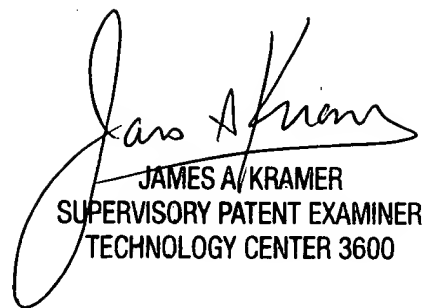
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Elda Milef
Examiner
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JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
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6/25/07